

REMARKS

Summary

The Application has been carefully reviewed in light of the Office Action dated September 14, 2006. Claims 1, 5, 10 and 11 have been amended herein. Claim 9 has been cancelled without prejudice by the foregoing amendment. Therefore, Claims 1-8 and 10-12 are currently pending in the application. Reconsideration and further examination is respectfully requested.

Claim Rejections under 35 USC § 112

The Office Action rejected Claims 9-10 under 35 USC § 112, second paragraph, as being indefinite for including both a product and a process in the same claim. Claim 9 has been cancelled in the current application.

Applicants respectfully disagree with the Examiner's characterization of Claim 10. As noted in MPEP 2106:

a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

Statutory subject matter of such computer-readable claims is also clarified in *In re Beauregard*, C.A.F.C., No. 95-1054, May 12, 1995. Claim 10 is such a claim and, as such, is statutory under 35 USC 101.

Furthermore, a computer-readable claim, such as Claim 10 is not indefinite and does not "claim both an apparatus and the method steps of using the apparatus" as alleged in the Office Action. Claim 10 is directed to a computer-readable medium having a program stored thereon. The program stored on the claimed computer-readable medium performs a process as described in the claim.

Claim 10 is analogous to a product-by-process claim as described in MPEP 2173.05(p) Section I which states that "a claim to a device, apparatus,

manufacture, or composition of matter may contain a reference to the process in which it is intended to be used without being objectionable under, second paragraph, so long as it is clear that the claim is directed to the product and not the process.” Like the computer-readable claims in *In re Beauregard*, Claim 10 is also directed to a computer-readable medium. Therefore, withdrawal of the claim rejection is respectfully requested.

Claim Rejections under 35 USC § 103(a)

Turning to the art rejections, Claims 1-3, 5-7, and 10 have been rejected under 35 USC § 103(a) over U.S. Pat No. 5,838,596 (Shimomura) in view of U.S. Pat No. 6,549,745 (May). Claims 4, 8, and 11-12 are rejected under 35 USC § 103(a) over Shimomura in view of May and further in view of US Published Application No. 2002/0176722 (Iijima).

Shimomura does not teach or suggest, *inter alia*, that the flexible medium is conveyed at the first peripheral speed when the flexible medium reaches the contact region of the conveyor rollers. The Office Action cited column 10, lines 51-58 (Shimomura), for allegedly disclosing the above element. However, the cited section merely describes that when driving mode is employed, it is necessary to specify the direction of the forces (i.e. positive direction, negative direction, or fixed). In this regard, Shimomura fails to teach or suggest that the flexible medium is conveyed at the first peripheral speed when the flexible medium reaches the contact region of the conveyor roller.

In addition, Shimomura is seen to calculate the “real speed” by an encoder:

The real speed is calculated from the rotational speed of the rollers 11 which is sensed, for example, by an encoder with the copy sheet brought in contact with the rollers 11. (Shimomura, Column 10, lines 37-40)

In contrast, for example in Claim 1, the first and second peripheral speeds are set without being sensed by any type of encoders.

The other applied art, namely May, is not seen to teach or suggest the foregoing feature of amended independent Claim 1. Hence, based on the

foregoing remarks, Applicants respectfully submit that the applied references, namely Shimomura and May, either alone or in combination are not seen to teach the foregoing features of amended independent Claim 1. Independent Claim 1 is therefore believed to be in condition for allowance, and such action is respectfully requested.

In addition, amended independent Claims 5, 10, and 11 include substantially similar features as that of amended independent Claim 1, and are therefore also believed to be in condition for allowance for at least the reasons discussed above with respect to amended independent Claim 1.

The other pending claims remaining under consideration in this application are each dependent from the independent claims discussed above and are therefore believed to be in condition for allowance for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, individual consideration of each on its own merit is respectfully requested.

CONCLUSION

Applicants respectfully submit that all of the claims pending in the application meet the requirements for patentability and respectfully request that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact
Applicant's representative at the telephone number below.

Respectfully submitted,

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Date

/ Trevor Chuang/

Trevor Chuang, Reg. No. 55,073
Patent Agent for Applicants

Canon U.S.A. Inc., Intellectual Property Division
15975 Alton Parkway
Irvine, CA 92618-3731

Telephone: (949) 932-3310
Fax: (949) 932-3560